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EXAMINER

MORGAN, ROBERT W

ART UNIT PAPER NUMBER

3626

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/409,242

Applicant(s)

VAID, RAHUL R.

Examiner

Robert W. Morgan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 34-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 34-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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***Continued Examination Under 37 CFR 1.114***

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/04 has been entered.

***Notice to Applicant***

2. In the amendment filed 7/19/04 the following has occurred: Claims 1, 34, 44 and 66-75 have been amended. Now claims 1-16 and 34-75 are presented for examination.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-16, 34-43, 50-54 and 57-75 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to

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pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1-16, 34-43, 50-54 and 57-75 only recite an abstract idea. The recited pre-paid airline ticket comprising a record of an advance-purchase of an airline ticket for a fixed price to be utilized by a customer to book a flight does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention uses a pre-paid airline ticket including an identifier, the identifier associated with said record, uniquely identifying the pre-paid airline ticket.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-16, 34-43, 50-54 and 57-75 are deemed to be directed to non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, 14-16, 34-38, 41 and 44-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of "Hawaiian Air to Offer

Tickets Through ATMs" by Wall Street Journal

As per claim 1, Walker et al. teaches a pre-paid airline ticket comprising a record of an advance-purchase of an airline ticket for a fixed price to be utilized by a customer to book a flight on one of a plurality of predetermined flights available for the pre-paid airline ticket to be used; an identifier, associated with said record, uniquely identifying the pre-paid airline ticket; a plurality of geographic flight parameters and a plurality of non-geographic flight parameters associated with said record, at least one of the plurality of geographic flight parameter being unspecified. These limitations are met by the unspecified-time ticket that includes receiving identification of flight information such as destination location and departure times, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11). In addition, Walker et al. further teaches that the revenue management system (RMS) (200, Fig. 2) performs all conventional operation including using a CPU (205, Fig. 2) coupled to an airline reservation system (ARS) via a communications port (220, Fig. 2) for obtaining unspecified-time bookings from the ARS using a wide area network (reads on "a customer booking one of the predetermined flights via a communication network") (see: column 7, lines 16-28 and Fig. 2 and 3).

Walker et al. fails to teach a customer to book a flight an airline ticket for a fixed price to be utilized by a customer to book a flight, the pre-paid airline ticket including an identifier, the identifier uniquely identifying the pre-paid airline ticket and operable to be utilized by the customer to book a flight.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket for a fixed price to be utilized by a customer to book a flight") through the bank's ATMs 24 hours a day using a card

issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include an identifier uniquely identifying the pre-paid airline ticket and operable to be utilized by the customer to book a flight.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Hawaiian Air's "open tickets" as taught by the Wall Street Journal within the unspecified-time airline ticket as taught by Walker et al. with the motivation of providing the customer with a method to purchasing advanced open tickets to allow utmost flexibility thereby better accommodating the traveler.

As per claim 2, Walker et al. teaches the claimed wherein the identifier comprises an alpha-numeric sequence. This feature is met by the seat allocation database (245, Fig. 2) that includes each flight identified by a flight number with a departure date (see: column 10, lines 7 15).

As per claim 3, Walker et al. teaches the claimed plurality of non-geographic flight parameters comprise a date, a time, a flight number, and a seat. This limitation is met by the flight schedule database (240, Fig. 2) that contains flight information including departure date, flight number and flight times and the seat allocation database (245, Fig. 2) that contains seat information (see: column 7, lines 35-41 and column 10, lines 13-15).

As per claim 4, Walker et al. teaches the claimed plurality of non-geographic flight parameters further comprise one or more unspecified non-geographic flight parameters. The

unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and destination of the unspecified-time tickets are all examples of the geographic flight parameter (see: column 12, lines 28-44).

As per claim 5, Walker et al. teaches the claimed one or more unspecified non-geographic flight parameters comprise a range of possible values from which the one or more unspecified non-geographic flight parameters may be selected. This feature is met by the forecasted demand analysis database (230, Fig. 2) that contains information on each selling price for each fare for a given flight (see: column 7, lines 45-49).

As per claim 6, Walker et al. teaches the claimed plurality of geographic flight parameters comprise a departure location and a destination. This limitation is met by the viewing of special fare listing information including specified destination location from a specified departure location (see: column 2, lines 30-35).

As per claim 7, Walker et al. teaches the claimed dependence between two or more of the plurality of geographic flight parameters. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price (see: column 12, lines 28-44).

As per claim 8, Walker et al. teaches the claimed dependence comprises a maximum distance between the destination and the departure location. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in

the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and the destination (distance) of the airports are all taken into consideration when placing a traveler aboard a flight (see: column 12, lines 28-44).

As per claims 9-11, Walker et al. teaches the claimed dependence comprises a geographical region from which the departure location must be selected for a specified destination and the destination must be selected for a specified departure location. These features are met by viewing a list of special fares to a specific destination location and a specific departure location regarding a specific route (see: column 3, lines 12-23 and column 4, lines 38-42).

As per claim 14, Walker teaches the claimed printed receipt, the printed receipt including a first part for presentation to an airline and a second part for a customer's records, the printed receipt including, in printed form, the unique identifier, the plurality of non-geographic flight parameters, and the plurality of geographic flight parameters (see: column 6, lines 27-32).

As per claim 15, Walker teaches the claimed electronic receipt, the electronic receipt including, in electronic form, the unique identifier (see: column 15, lines 34-52).

As per claim 16, Walker teaches the claimed email receipt, the email receipt including, in electronic form, the unique identifier (column 5, lines 49-54).

As per claim 34, Walker et al. teaches a method for providing pre-paid airline tickets comprising:



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--the claimed storing a plurality of ticket options in a ticket option database, each ticket option comprising a ticket price and a plurality of flight parameters, at least one of the plurality of flight parameters being a geographic flight parameter is met by the data storage device (225, Fig. 2) that includes various database such as the forecasted demand analysis database (230, Fig. 2), a flight schedule database (240, Fig. 2), a seat allocation database (245, Fig. 2), a pricing and restriction database (250, Fig. 2) and a reservation database (255, Fig. 2).

--the claimed presenting the ticket options to a customer (see: column 13, lines 31-48);

--the claimed receiving a ticket selection from the customer (see: column 13, lines 49 50);

--the claimed receiving a payment from the customer, the payment being equal to the ticket price (see: column 6, lines 45-50);

--the claimed associating a unique identifier with the selected ticket option (see: column 13, line 59-65);

--the claimed storing the unique identifier and the associated ticket option (see: column 13, line 59-65); and

--the claimed providing a pre-paid airline ticket to the customer, the pre-paid airline ticket comprising a record of the unique identifier used by the customer to book a flight via a communications network on one of a plurality of predetermined flights available for the pre-paid airline ticket to be used and a record of one or more of the plurality of flight parameters, at least one of the at least one geographic flight parameter being unspecified. This limitation is met by the revenue management system (RMS) (200, Fig. 2) that performs all conventional operation including using a CPU (205, Fig. 2) coupled to an airline reservation system (ARS) via a

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communications port (220, Fig. 2) for obtaining unspecified-time bookings from the ARS using a wide area network (see: column 7, lines 16-28, Fig. 2 and 3 and column 6, lines 27-32).

Walker et al. fails to teach a pre-paid airline ticket comprising a record of the unique identifier operable to be utilized by the customer to book a flight.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include a record of one or more of the plurality of flight parameters, at least one of the at least one geographic flight parameter being unspecified.

The obviousness of combined the teachings of Wall Street Journal within Walker et al. is discussed above in the rejection of claim 1, and incorporated herein.

As per claim 35, Walker et al. teaches the claimed booking a flight using the pre-paid airline ticket (see: column 2, lines 43-53).

As per claim 36, Walker et al. teaches the claimed booking a flight is performed interactively using the World Wide Web (see: column 5, lines 49-54 and column 6, lines 52-59).

As per claim 37, Walker et al. teaches the claimed periodically updating the ticket option database from a remote airline server. This limitation is met by the central server (301, Fig. 3) of a central reservation system CRS (300, Fig. 3) that performs all the operation of a conventional

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CRS that includes update all the databases regarding seating, flight information and price (see: column 7, lines 51-64 and column 10, lines 1-4).

As per claim 38, Walker et al. teaches the claimed receiving a payment from the customer further comprises transferring funds for the customer using a remote financial transaction server. This feature is met by the airline (100, Fig. 1) possibly requiring a guarantee payment for a ticket with a credit card number (see: column 6, lines 33-51).

As per claim 41, Walker et al. teaches providing a pre-paid airline ticket further comprises generating a printed receipt, the printed receipt including a first part for presentation to an airline and a second part for the customer's records, the printed receipt including, in printed form, the unique identifier and the plurality of flight parameters (see: column 6, lines 27-32).

As per claim 44, Walker et al. teaches a computer program embodied on a computer readable medium for providing pre-paid airline tickets using a pre-paid ticket identifier database, the database comprising a plurality of records, each record including a plurality of fields, the plurality of fields comprising:

--the claimed plurality of geographic flight parameter fields and a plurality of non-geographic flight parameter fields, at least one of the pluralities of geographic flight parameter fields including an geographic flight parameter being unspecified (see: column 9, lines 56-67 and Fig. 7).

Walker et al. fails to teach the claimed identifier field, that uniquely identifies a pre-paid airline ticket and used by a customer to book a flight on one of a plurality of predetermined flights available for the pre-paid airline ticket to be used.

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Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include an identifier field, that uniquely identifies a pre-paid airline ticket and used by a customer to book a flight on one of a plurality of predetermined flights available for the pre-paid airline ticket to be used.

The obviousness of combined the teachings of Wall Street Journal within Walker et al. is discussed above in the rejection of claim 1, and incorporated herein.

As per claim 45, Walker et al. teaches the claimed identifier included in the identifier field comprises an alpha-numeric sequence (see: column 10, lines 7-15).

As per claim 46, Walker et al. teaches the claimed plurality of non-geographic flight parameter fields include a restrictions field, the restrictions field including any restrictions on use of an associated pre-paid airline ticket (see: column 10, lines 16-25).

As per claim 47, Walker et al. teaches the claimed unspecified geographic flight parameter comprises a plurality of choices from which the unspecified geographic flight parameter may be specified. This feature is met by the forecasted demand analysis database (230, Fig. 2) that contains information on each selling price for each fare for a given flight (see: column 2, lines 54-67 and column 7, lines 45-49).

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As per claim 48, Walker et al. teaches the claimed plurality of geographic flight parameter fields include an allowed destinations field and an allowed departures field. This limitation is met by the viewing of special fare listing information including specified destination location from a specified departure location (see: column 2, lines 30-35, column 10, lines 56-67 and Fig. 7).

As per claim 49, Walker et al. teaches the claimed plurality of geographic flight parameter fields includes a region field, the region field providing information, which establishes dependence between an allowed destinations field, and an allowed departures field. These features are met by viewing a list of special fares to a specific destination location and a specific departure location regarding a specific route (see: column 3, lines 12-23, column 4, lines 38-42 and column 10, lines 56-67 and Fig. 7).

As per claims 50-52, Wall Street Journal teaches the claimed expiration date for the pre-paid airline ticket to expire, specifies the date that the customer is to utilize the identifier in booking a flight and applying an expiration date to each ticket option. These limitations are met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include an expiration date for the pre-paid airline ticket to expire, specifies the date that the customer is to utilize the identifier in booking a flight and applying an expiration date to each ticket option.

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As per claim 53, Wall Street Journal teaches the claimed receiving the identifier in conjunction with a process of booking a flight. This feature is met by the Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since the customer will need to contact Hawaiian Air to reserve space and the "open ticket" will cost the same as those purchase from the airline or travel agency the skilled artisan recognizes the "open ticket" to include receiving the identifier in conjunction with a process of booking a flight.

As per claim 54, Wall Street Journal teaches the claimed in response to receiving the identifier, determining that the expiration date associated with the pre-paid airline ticket being utilized to book the flight is on or before a current date. This limitation is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include receiving an identifier and expiration date associated with the pre-paid airline ticket being utilized to book the flight on or before a current date.

As per claim 55, Walker et al. teaches a data storage device (225, Fig. 2) that includes various databases such as the forecasted demand analysis database (230, Fig. 2), a flight schedule

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database (240, Fig. 2), a seat-allocation database (245, Fig. 2), a pricing and restriction database (250, Fig. 2) and a reservation database (255, Fig. 2). The Examiner considers the pricing and restriction database (250, Fig. 2) and the reservation database (255, Fig. 2) to include information regarding the expiration date of a ticket.

Walker et al. fails to explicitly teach the claimed record of the database further include an expiration date for an associated pre-paid airline ticket to expire.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects that a database would include the expiration date of all pre-paid airline tickets for the purpose of keeping record of the cost and expiration date of all coupon or "open ticket" issued to customer and non-customer of Bank of Hawaii.

The obviousness of combined the teachings of Wall Street Journal within Walker et al. is discussed above in the rejection of claim 1, and incorporated herein.

As per claim 56, Wall Street Journal teaches the claimed computer program operable to receive the identifier being uniquely associated with a pre-paid airline ticket and determine whether the pre-paid airline ticket has expired based on the associated expiration date. This limitation is met by Hawaiian Air that plans to allow customer and non-customer of Bank of

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Hawaii to buy flight coupons (reads on "pre-paid airline ticket") through the bank's ATMs 24

hours a day using a card issued by the bank or a major credit card (see: paragraph 4).

Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year via Bank of Hawaii 24 hour ATMs a skilled artisan expects that the Bank of Hawaii ATMs used to issue the "open tickets" are equip with computer program operable to receive the identifier being uniquely associated with a pre-paid airline ticket and determine whether the pre-paid airline ticket has expired based on the associated expiration date.

As per claim 57, Walker et al. and Wall Street Journal teach the claimed identifier is operable to book a seat on a flight from one of multiple air travel air carriers. This limitation is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: Wall Street Journal: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: Wall Street Journal: paragraph 4). Since Hawaiian Air is issuing "open tickets" which are valid for year the skilled artisan expects an "open ticket" to include an identifier operable to book a seat on a flight from one of multiple air travel air carriers such Hawaiian Air.

As per claim 58, Walker et al. and Wall Street Journal teach the claimed seat costs at most the fixed price. This feature is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day

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using a card issued by the bank or a major credit card (see: Wall Street Journal: paragraph 4).

Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: Wall Street Journal: paragraph 4). In addition, Walker et al. and Wall Street Journal teach an unspecified-time airline tickets corresponding to a special fare (see: Walker et al.: column 2, lines 25-29).

As per claim 59, Walker et al. and Wall Street Journal teach the claimed fixed price is below market price. This feature is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: Wall Street Journal: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: Wall Street Journal: paragraph 4). In addition, Walker et al. and Wall Street Journal teach an unspecified-time airline tickets corresponding to a special fare (see: Walker et al.: column 2, lines 25-29).

As per claims 60 and 63, they are rejected for the same reasons set in claim 58.

As per claim 61, Walker et al. and Wall Street Journal teach the claimed seat costs at most pre-paid payment. This feature is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: Wall Street Journal: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: Wall Street Journal: paragraph 4). In addition, Walker et al. and Wall Street Journal teach an unspecified-time airline tickets corresponding to a special fare (see: Walker et al.: column 2, lines 25-29).

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As per claim 62, Walker et al. and Wall Street Journal teach the claimed pre-paid payment is below market price. This feature is met by Hawaiian Air that plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: Wall Street Journal: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency (see: Wall Street Journal: paragraph 4). In addition, Walker et al. and Wall Street Journal teach an unspecified-time airline tickets corresponding to a special fare (see: Walker et al.: column 2, lines 25-29).

As per claims 63-65, they repeat the subject matter of claims 60-62, as a set of "computer program" elements rather than method. As the underlying processes of claims 60-62 has been shown to be obvious in view of the teachings of Walker et al. and Wall Street Journal in the above rejections of claims 60-62, it is readily apparent that the system disclosed by Walker et al. and Wall Street Journal includes a computer program to perform these functions. As such, these limitations are rejected of the same reasons given above for method claims 44, 63 and 64, and incorporated herein.

As per claim 66, Walker et al. teaches a unspecified-time ticket that includes receiving identification of flight information such as destination location and departure times, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11). In addition, Walker et al. further teaches that the revenue management system (RMS) (200, Fig. 2) performs all conventional operation including using a CPU (205, Fig. 2) coupled to an airline reservation system (ARS) via a communications port (220, Fig. 2) for obtaining unspecified-time bookings from the ARS using a wide area network. (reads on

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“customer to book the flight from via a communications network”) (see: column 7, lines 16-28 and Fig. 2 and 3).

Walker et al. fails to teach the claimed advance-purchase of an airline ticket for a fixed price including an identifier used by a customer from one of the multiple air travel carriers offering flights including seating available to be booked with the pre-paid airline ticket.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons (reads on “pre-paid airline ticket for a fixed price to be utilized by a customer to book a flight”) through the bank’s ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or “open ticket” will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing “open tickets” which are valid for year the skilled artisan expects an “open ticket” to include an identifier used by a customer from one of the multiple air travel carriers offering flights including seating available to be booked with the pre-paid airline ticket. The Examiner considers Hawaiian Air’s “open ticket” not to be limited to only Hawaiian Air but a voucher to travel with partner airlines.

The obviousness of combining the teachings of Wall Street Journal within Walker et al. are discussed in the rejection of claim 1, and incorporated herein.

As per claims 67-70, Walker teaches the claimed a plurality of geographic flight parameters, at least one of the geographic flight parameters is unspecified, geographic flight parameters include regions and airports. These limitations are met by the unspecific-time ticket that includes receiving identification of flight information such as destination location and

departure times, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11).

As per claims 71 and 72, Walker teaches the claimed a plurality on non-geographic flight parameters and the non-geographic flight parameters are unspecified. These features are met by the flight schedule database (240, Fig. 2) that contains flight information including departure date, flight number and flight times and the seat allocation database (245, Fig. 2) that contains seat information (see: column 7, lines 35-41 and column 10, lines 13-15). In addition, Walker teaches that the unspecified-time tickets include flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and destination of the unspecified-time tickets are all examples of the non-geographic flight parameter (see: column 12, lines 28-44).

As per claim 73, Walker teaches the claimed information identifying the customer. This limitation is met by the passenger name record (1030, Fig. 10) (see: column 10, lines 26-35).

As per claims 74 and 75, they are rejected for the same reasons set forth in claims 59 and 58, respectively.

6. Claims 12-13 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of U.S. Patent No 5,953,705 to Oneda

As per claim 12, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach a wallet-sized card, the wallet-sized card including a magnetic strip, the magnetic strip comprising an encoded representation of the unique identifier.

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Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to include the airplane ticket IC cards with a magnetic stripe as taught by Oneda within the unspecified-time airline tickets as taught by Walker et al. with the motivation of securing the identification of a traveler, thereby providing a fast and efficient way of for a traveler to board their flight.

As per claim 13, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach a wallet-sized card, the wallet-sized card including a bar code, the bar code comprising an encoded representation of the unique identifier.

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19). Oneda also teach an IC card portion (312, Fig. 2C) on the IC card (38, Fig. 2C), which the Examiner considers to be similar to a bar code.

The motivation for combining the respective teachings of Walker et al. and Oneda are discussed above in the rejection of claim 12, and incorporated here.

As per claim 39, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

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Walker et al. fails to teach the claimed providing a pre-paid airline ticket further comprises generating a wallet-sized card with the unique identifier encoded in a magnetic strip.

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to include the airplane ticket IC cards with a magnetic stripe as taught by Oneda within the unspecified-time airline tickets as taught by Walker et al. with the motivation of securing the identification of a traveler, thereby providing a fast and efficient way of for a traveler to board their flight.

As per claim 40, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach providing a pre-paid airline ticket further comprises generating a wallet-sized card with the unique identifier encoded in a bar code.

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19). Oneda also teach an IC card portion (312, Fig. 2C) on the IC card (38, Fig. 2C), which the Examiner considers to be similar to a bar code.

The motivation for combining the respective teachings of Walker et al. and Oneda are discussed above in the rejection of claim 39, and incorporated here.

7. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al.

As per claim 42, Walker et al. teaches a system including a travel agent (110, Fig. 1), who is contacted by a traveler (105, Fig. 1) to purchase airline ticket at a special fare. The travel agent (110, Fig. 1) logs on to a central reservation system CRS (300, Fig. 3) to check flight availability and once availability is verified the travel agent (110, Fig. 1) notifies the traveler (105, Fig. 1) and the ticket is purchased (see: column 5, lines 49 to column 6, lines 8).

Walker et al. fails to teach the claimed plurality of pre-paid airline tickets are provided to a wholesale customer, the wholesale customer further reselling one or more of the pre-paid airline tickets to a retail customer.

It is well known in the field of airline travel that wholesaler purchase tickets in quantity to lower the price and then resell to a retail customer for profit. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the wholesale purchase of ticket and resale of the ticket to a retail customer within the unspecified time airline tickets as taught by Walker et al. with the motivation providing a traveler with inexpensive airplane tickets, thereby preventing the customer from spending inflated prices for travel.

As per claim 43, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach providing an electronic bulletin board where pluralities of customers resell pre-paid airline tickets.

It is well known in the field of airline travel to electronically post unused airline ticket on the Internet to allow the original purchaser of the ticket to recover their original investment. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an electronic bulletin board where customers can resell airline tickets within the unspecified-time airline tickets as taught by Walker et al. with the motivation of allowing the original ticket purchaser wanting to resell their tickets, the ability to reach more potential buyer, thereby possibly recovering any lost money.

***Response to Arguments***

8. Applicant's arguments filed 7/19/04 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 7/19/04.

(A) In the remarks, Applicants argue in substance that, (1) Applicant has amended independent claims 1, 34, and 66 to recite "customer uses the identifier to book one of the predetermined flights *via a communication network*" such that the claims are now within the technical arts; (2) Examiner fails to establish a *prima facie* case of obviousness using the three basic criteria; (3) Incorporating the Hawaiian Air open ticket into the system of Walker renders the system of Walker unworkable as a ticketing mechanism; and (4) There is no motivation to combine the assigned ticket of Walker with the open ticket of Hawaiian Air since that would render the open ticket inoperable.

(B) In response to Applicants argument that, (1) Applicant has amended independent claims 1, 34, and 66 to recite "customer uses the identifier to book one of the predetermined flights *via a communications network*" such that the claims are now within the technical arts. The



Examiner respectfully submits that by added the recitation "...via a communication network" the Applicant has no overcome the rejection under 35 U.S.C. 101 because the identifier used by the customer to book a flight merely identifies the pre-paid airline ticket. The communications network is not used to identify the record of an advance purchase of the pre-paid airline ticket and therefore the rejection of the claims under 35 USC 101 is indeed proper and should be maintained.

(C) In response to Applicants argument that, (2) Examiner fails to establish a *prima facie* case of obviousness using the three basic criteria and (4) There is no motivation to combine the assigned ticket of Walker with the open ticket of Hawaiian Air since that would render the open ticket inoperable. The Examiner respectfully submits that establishing a *prima facie* case of obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a *prima facie* case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention (paper dated 6/3/03).

In addition, the Examiner recognizes obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re DeLisle* 406 Fed 1326, 160 USPQ 806; *In re Kell*,

*Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

Further, it was determined in *In re Lamberti et al*, 192 USPQ 278 (CCPA) that:

- (i) obviousness does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references, but what they would suggest.

Additionally, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. However, although the Examiner agrees that the motivation or suggestion to make modifications must be articulated, it is respectfully contended that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

As such, it is respectfully submitted that an explanation based on logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner in the prior Office Action (paper dated 6/3/03), *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

Furthermore, the motivation to combined the teachings of the Wall Street Journal within Walker et al. reference as given in section 5 of the above Office Action is suggested from a passage in the Wall Street Journal paragraph 2, "airline passengers bent on convenience, here is something at least as user-friendly as electronic ticketing: buying plane tickets at an automated teller machine".

(D) In response to Applicants argument that, (3) Incorporating the Hawaiian Air open ticket into the system of Walker renders the system of Walker unworkable as a ticketing mechanism. The Examiner respectfully submits Walker et al. teaches a unspecified-time ticket that includes receiving identification of flight information such as destination location and departure location, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11). Hawaiian Air teaches a plan to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). In addition, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). It is respectfully submitted that a passenger's "desired flight" would include a passenger's intended destinations or destination range. As such, the proper combination of Walker and Hawaiian Air is to extend Walker's unspecified-time ticket for a time range to unspecified destination and time ticket for a time range and a range of possible destination, as taught by Hawaiian Air. As such, the Examiner disputes that incorporating the Hawaiian Air open ticket into the system of Walker renders the system of Walker unworkable as a ticketing mechanism.

In addition, the Examiner recognizes obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re DeLisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

Further, it was determined in *In re Lamberti et al.*, 192 USPQ 278 (CCPA) that:

- (i) obviousness does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references, but what they would suggest.

**Conclusion**

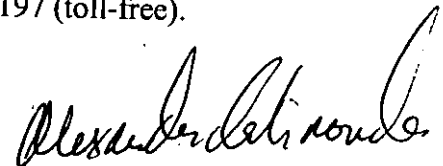
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441.

The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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